

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**Office of Conservation and Coastal Lands**  
**Honolulu, Hawaii**

April 25, 2008

Board of Land and  
Natural Resources  
State of Hawaii  
Honolulu, Hawaii

**REGARDING:** MEMORANDUM OF UNDERSTANDING Between the HAWAII TOURISM AUTHORITY and the DEPARTMENT OF LAND AND NATURAL RESOURCES to Provide Funding for the Development and Restoration of Visitor Area Resort Beaches

**APPLICANT:** Office of Conservation and Coastal Lands and the Hawaii Tourism Authority

**BACKGROUND/PROPOSED ACTION:**

The Hawaii Tourism Authority (HTA) has established a financial account at the Bank of Hawai'i to deposit funds and expend funds for purposes of its Beach Restoration Program. DLNR desires to use these funds to provide for the development and restoration of visitor area resort beaches, including the maintenance of any improvements placed on visitor area resort beaches or in nearshore waters, *as determined by DLNR (Exhibit 1)*.

DLNR wishes to enter into a Memorandum of Understanding (MOU) with HTA acquire funding from HTA to support beach restoration. The main elements of the MOU are as follows:

1. DLNR shall match funding by HTA on a 1:1 ratio;
2. Funding from any private sector entity using non-state funds shall match, at minimum, the total funding from DLNR and HTA on a 1:1 ratio; and
3. HTA funds shall be used solely for the development and restoration of a visitor area resort beach; and, that said restored beach shall be free and clear of any barriers, ropes, or signs unlawfully denying or restricting access or use of the beach by any resident, visitor, and the general public.

Board of Land and  
Natural Resources

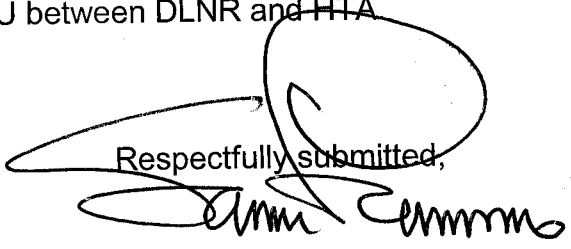
DLNR/HTA MOU

HTA funding shall not exceed \$2 million.


**RECOMMENDATION:**

Based on the preceding analysis, staff recommends that the Board of Land and Natural Resources (Board) APPROVE this MOU between DLNR and HTA

Respectfully submitted,

  
Samuel Lemmo, Administrator  
Office of Conservation and Coastal Lands

Approved for submittal:

  
Laura H. Thielen, Chairperson  
Board of Land and Natural Resources

Attachment

**MEMORANDUM OF UNDERSTANDING**  
**Between the**  
**HAWAI'I TOURISM AUTHORITY**  
**And the**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

**Relating to Providing Funding for the Development and Restoration of Visitor Area  
Resort Beaches**

This Memorandum of Understanding ("MOU"), is effective as of \_\_\_\_\_, 2008, between the HAWAI'I TOURISM AUTHORITY, STATE OF HAWAI'I ("HTA"), by its President and Chief Executive Officer, Rex D. Johnson, whose business address is 1801 Kalākaua Avenue, Honolulu, Hawai'i, 96815, and the DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII ("DLNR"), by and through its Board of Land and Natural Resources, whose business address is 1151 Punchbowl Street, Kalanimoku Building, Room 130, Honolulu, Hawai'i, 96816.

**RECITALS**

WHEREAS, the HTA has established a Beach Restoration Program for the purpose of providing funds for the restoration of visitor area resort beaches through public and private funding; and, that HTA has established a financial account at the Bank of Hawai'i to deposit funds and expend funds for purposes of its Beach Restoration Program;

WHEREAS, the DLNR desires funds to provide for the development and restoration of visitor area resort beaches, including the maintenance of any improvements placed on visitor area resort beaches or in nearshore waters, as determined by DLNR, including debt service on any capital expenditures projects and the contracting for services related to said development and restoration of visitor area resort beaches; and,

WHEREAS, the HTA intends to support DLNR's desire by providing funds for the development and restoration of visitor area resort beaches; provided that as used herein, "visitor area resort beaches" means sandy beaches that provide public access, including without limitation, Gray's Beach, located in Waikīkī on the island of O'ahu and Kā'anapali Beach located on the island of Maui.

NOW, THEREFORE, in consideration of the promises provided herein, the HTA and the DLNR hereby acknowledge and agree as to the terms and conditions stated below.

1. DLNR shall determine the visitor area resort beaches requiring development and restoration.

2. DLNR shall obtain the prior approval of the HTA to fund projects related to the development and restoration of visitor area resort beaches by satisfying the following criteria:

- a. DLNR shall match funding by HTA on a 1:1 ratio;
- b. Funding from any private sector entity using non-state funds shall match, at minimum, the total funding from DLNR and HTA on a 1:1 ratio; and,
- c. HTA funds shall be used solely for the development and restoration of a visitor area resort beach; and, that said restored beach shall be free and clear of any barriers, ropes, or signs unlawfully denying or restricting access or use of the beach by any resident, visitor, and the general public.

3. DLNR shall execute and manage all capital expenditure projects and the contracting for services related to the development and restoration of visitor area resort beaches.

4. Upon approval of a proposal, HTA shall provide DLNR its share or portion of funding for a project on a 1:1 matching basis with DLNR.

5. Notwithstanding any provision to the contrary, DLNR acknowledges and agrees that HTA's total financial obligation under this Memorandum of Understanding shall not exceed TWO MILLION AND NO/100 DOLLARS (\$2,000,000.00) beginning from the effective date of this Memorandum and until June 30, 2010; provided that the termination date may be extended upon mutual agreement of both parties or upon a determination that DLNR may require additional time to complete a project for the restoration of a visitor area resort beach.

IN VIEW OF THE ABOVE, the undersigned parties execute this MEMORANUM OF UNDERSTANDING, by and through their respective duly authorized undersigned official.

**HAWAI'I TOURISM AUTHORITY**  
**State of Hawai'i**

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Rex D. Johnson  
President & CEO

**DEPARTMENT OF LAND AND  
NATURAL RESOURCES**  
**State of Hawai'i**

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Laura H. Thielen  
Chairperson  
Board of Land and Natural Resources